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EXAMINER

BROWN, TIMOTHY M

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 08/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/849,979

Applicant(s)

GANESAN ET AL.

Examiner

Tim Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 58-81 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 58-81 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This non-final Office action is responsive to Applicants' amendment submitted May 29, 2003.

Drawings

2. Applicants' amendment has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

3. The substitute specification submitted November 25, 2002 has been entered. The substitute specification has been amended to indicate the present application is a continuation of Application Serial Number 09/749,596 filed December 8, 2001.

Response to Arguments

4. Rejection of Claims 58 and 69 under 35 U.S. C. 102(e)

Applicants argue Van Duesen does not teach generating, and transmitting, an electronic greeting card including a notification of a monetary gift. The Examiner respectfully disagrees. Van Dusen discloses a means for making a monetary gift wherein a donor fills in a number of data fields including fields for the recipient's name and e-mail address, a gift amount, and an optional message (col. 3, lines 40-47). Van Dusen's system uses this information to prepare the e-mail message depicted in Fig. 2. Like a typical electronic birthday card, Van Dusen's e-mail message communicates a gift amount, the message "Happy Birthday Mom!!" and the identity of the gift giver ("From:

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Erin"). Thus, Van Dusen teaches generating, and transmitting, an electronic greeting card including a notification of a monetary gift.

5. Rejection of Claims 59 and 70 under 35 U.S. C. 102(e)

Applicants argue Van Dusen does not teach transmitting the electronic greeting card to the designated recipient at one of 1) a time subsequent to the directing of the crediting of the funds to the deposit account, and 2) a time concurrent with the directing of the crediting of the funds to the deposit account. Applicants argument is persuasive.

Consequently, the rejection of claims 59 and 70 under 102(e) has been withdrawn.

6. Rejection of Claims 60 and 71 under 102(e)

Applicants argue Van Dusen does not teach directing the crediting of funds to a deposit account at a financial institution. Applicants argument is persuasive. Consequently, the rejection of claims 60 and 71 under 102(e) has been withdrawn

7. Rejection of Claims 58 and 69 under 35 U.S.C. 103(a)

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicants further argue there is no motivation to combine the teachings of

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Van Dusen and Lenhart to arrive at the invention of claims 58 and 69. Applicant make two points in support of their argument. First, Applicants note Van Dusen does not teach processing as it is recited in the claims. Second, Applicants note the references themselves fail to disclose any suggestion for combining their teachings. The Examiner respectfully disagrees.

As to their first point, Applicants state Van Dusen describes processing the notification of the gift which is sent to the recipient, and not processing a received request to generate a notification of the gift certificate for transmission to the recipient. However, Van Dusen discloses receiving a request for an electronic gift certificate wherein a purchaser completes a gift certificate order form (col. 3, lines 38-40). The order form includes fields for the names of the purchaser and the recipient, a message to the recipient, a gift amount, the distribution method, and the recipient's e-mail address (col. 3, lines 55-63). Once the order is paid for, a gift certificate is transmitted to the recipient's e-mail address (col. 3, lines 58-63). Thus, by disclosing transmitting a gift certificate in response to receiving a gift certificate request, Van Dusen teaches processing a received request to generate a notification of the gift certificate for transmission to the recipient.

As to Applicants' second point, the Examiner respectfully submits Van Dusen at least suggests, modifying its teachings with Lenhart's electronic greeting cards. The Examiner notes that in submitting a request for a gift certificate, a user may optionally include a message to the recipient (col. 3, lines 44-45). Indeed, Van Dusen discloses providing a gift certificate recipient with a message that says "Happy Birthday Mom!!" It

is common knowledge among those having ordinary skill in the Internet commerce art that electronic greeting cards are often sent as a way of commemorating a person's birthday. Moreover, Lenhart's teachings would enhance Van Dusen's electronic gift certificate by including a gift certificate having moving images, voices and music (see Lenhart, p. 1). Thus, by disclosing providing an electronic gift certificate in connection with a recipient's birthday, Van Dusen suggests modifying its teachings to include Lenhart's electronic greeting card.

Applicants assert their invention is patentable over the combination of Van Dusen and Lenhart because their invention is in the art of electronic monetary gifts and electronic greeting cards, and not the art of traditional gift giving. However, the Examiner notes Van Dusen and Lenhart are also in the art of electronic monetary gifts and electronic greeting cards. First, Van Dusen is directed to electronic monetary gifts in that Van Dusen discloses sending an electronic gift certificate via e-mail. Second, Lenhart's teachings relate to electronic greeting cards inasmuch as Lenhart discloses transmitting electronic greeting cards by e-mail wherein the greeting cards have moving images, voices and music. For at least these two reasons, Van Dusen, Lenhart and Applicants' invention are in the art of electronic monetary gifts and electronic greeting cards.

Applicants further argue Van Dusen's disclosure fails to suggest how one would modify its teachings to process a request to send an electronic greeting card, including the steps of 1) receiving an input associated with the greeting card, 2) processing the donor's request to generate the electronic greeting card, 3) transmitting the electronic

greeting card. However, the Examiner notes that Van Dusen at least teaches performing these steps in the context of electronic greeting certificates.¹

With regard to the receiving step, Van Dusen's system receives user input, including the names of the purchaser and the recipient, an optional message, and the recipient's e-mail address. Thus, Van Dusen teaches receiving input associated with a gift certificate. Regarding the processing and transmitting steps, Van Dusen states "[o]nce the order has been placed and paid for the Web site sends a gift certificate e-mail . . . to the recipient and sends an order confirmation e-mail to the purchaser" (col. 3, lines 60-63). Thus, Van Dusen teaches processing the donor's request to generate an electronic gift certificate, and transmitting the electronic gift certificate. Therefore, assuming, *arguendo*, Van Dusen does not teach transmitting an electronic greeting card, the only modification Van Dusen requires to accomplish this function is a slight alteration of the information communicated by the receiving, processing and transmitting steps. For example, a user might achieve transmitting an electronic greeting card by providing a more detailed optional message.

8. Rejection of Claims 66 and 77 under 35 U.S.C. 103(a)

Applicants assert the Office action fails to note where the limitations of claims 66 and 77 are disclosed in Lenhart. However, this point is moot in view of the new ground of rejection.

Please note the rejection of claims 66 and 77 under Van Dusen in view of Lenhart *infra*. assumes Van Dusen does not teach receiving the request from an

¹ The arguments presented here are in the alternative only and the Examiner makes no admission that

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electronic greeting card service for the sake of argument only. The Examiner maintains Van Dusen teaches transmitting electronic greeting cards via e-mail. Because Van Dusen teaches transmitting electronic greeting cards to an e-mail account, it also teaches receiving the request to send an electronic gift card and make an associated monetary gift *from an electronic greeting card service*. According to Van Dusen, a user submits a request to send an electronic greeting card and an associated monetary gift to the e-mail account of a recipient (col. 3, lines 37-47). In completing the request, the user designates the e-mail address of the recipient (col. 3, lines 49-51). The request is then processed and the electronic greeting and associated monetary gift is transmitted to the designated recipient's e-mail account (col. 3, lines 60-62). Within this transmitting step, a number of sub-steps must be performed. First, the greeting card service must submit the requested electronic greeting and monetary gift to the recipient's Internet service provider. In doing so, *the greeting card service requests* that the Internet service provider send the greeting card and associated monetary gift to the recipient (i.e. the Internet service provider's client). Thus, by submitting a request to post a greeting card and monetary gift in the e-mail account of an Internet service provider's client, Van Dusen teaches receiving the request to send an electronic greeting card from an electronic greeting card service.²

9. Rejection of Claims 67 and 78 under 35 U.S.C. 103(a)

Van Dusen fails to teach the electronic gift card of claims 58 and 69.

² Because Van Dusen teaches receiving the request to send an electronic greeting card from an electronic greeting card service claims 66, 77 and 78 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Dusen (see *infra*).

Applicants note the Office action fails to note where the limitations of claims 66 and 77 are disclosed in Lenhart. The Examiner responds to this deficiency by detailing Lenhart's teachings under the rejection of claims 67 and 78 under 35 U.S.C. 103(a) *infra*. Please note the rejection of 67 and 78 under Van Dusen in view of Lenhart *infra*. assumes Van Dusen does not teach receiving the request from an electronic greeting card service for the sake of argument only. The Examiner maintains Van Dusen teaches transmitting electronic greeting cards.

10. Rejection of Claims 68 and 79 under 35 U.S.C. 103(a)

Applicants argue Van Dusen and Lenhart fail to teach transmitting the electronic gift card and the notification of a monetary gift to the electronic greeting card service. However, the Examiner interprets this transmitting step to read upon Van Dusen's receiving of data for incorporation into the greeting card and associated monetary gift. Thus, by disclosing transmitting gift certificate information, and electronic greeting card information, from a donor device, the Van Dusen teaches transmitting the electronic greeting card and the notification of a monetary gift to the electronic greeting card service.

Assuming, *arguendo*, Van Dusen does not teach generating, and transmitting, an electronic greeting card, Lenhart overcomes this deficiency by disclosing receiving a user greeting card selection. Thus, the combination of Van Dusen and Lenhart teaches transmitting the electronic gift card and the notification of a monetary gift to the electronic greeting card service.

11. Rejection of Claim 75 under 35 U.S.C. 103(a)

Applicants argue Van Dusen does not teach debiting a payment account at a financial institution associated with the requesting donor, after activation of a hyperlink included in the transmitted greeting card. Applicants further note that in Van Dusen, the donor's account is debited prior to transmitting the notification of the gift. However, the Examiner notes neither claim 75 nor claim 69, from which claim 75 depends, contains any recitation of a financial institution. Furthermore, Van Dusen discloses a gift certificate redemption process wherein a Web page asks the recipient to confirm that the gift certificate amount "should be deposited" by activation of a hyperlink (col. 4, lines 38-41). Thus, after the donor completes and pays for the gift certificate order, the gift certificate balance is maintained in a separate account. This account is associated with the donor in that the gift certificate balance is earmarked for the donor-designated recipient. Thus, when the recipient activates the deposit hyperlink, funds associated with the donor are taken from the separate account, and deposited in the recipient's account. Therefore, Van Dusen teaches debiting a payment account associated with the requesting donor after activation of a hyperlink that is included in the transmitted greeting card.

12. Rejection of Claims 59 and 70 under 35 U.S.C. 103(a)

Applicants argue the combination of Van Dusen, Lehnart and Hansell fail to teach transmitting the electronic greeting card and notification of monetary gift either subsequent to the processor directing funds to the deposit account of a recipient or 2) concurrent therewith. This argument is moot in view of the new grounds of rejection.

13. Rejection of Claims 64 and 75 under 35 U.S.C. 103(a)

Applicants argue the combination of Van Dusen, Lehnart and Hansell is improper because Van Dusen's disclosure teaches away from implementing the proposed combination. Applicants' argument is moot in view of the new grounds of rejection. Note claims 64 and 75 are rejected as being anticipated by Van Dusen. The

14. Rejection of Claims 63 and 74 under 35 U.S.C. 103(a)

Applicants arguments with respect to claims 63 and 74 are persuasive. Consequently, the rejection of claims 63 and 74 under Van Dusen, Lehnart and Wish Click has been withdrawn.

15. Rejection of Claims 65 and 76 under 35 U.S.C. 103(a)

Applicants argue Solokl fails to teach determining if the request for the electronic gift card and associated monetary gift is designated for a recipient that is a member of an enclosed community prior to processing the request to generate the electronic greeting card and associated monetary gift. However, this argument is moot based upon the new ground of rejection as follows.

Upon further consideration, the Examiner notes Van Dusen teaches this feature. Van Dusen states "a hyperlink to an account setup page is inserted within the e-mail document . . . in place of the redemption link" (col. 6, lines 59-60). By deciding whether or not to place a hyperlink to an account set-up page in the e-mail, Van Dusen determines whether or not the recipient is a member of an enclosed community. Moreover, Van Dusen makes this determination prior to processing (i.e. transmitting) the request for the electronic gift certificate. Consequently, Van Dusen teaches determining if the request for the electronic gift card and associated monetary gift is

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designated for a recipient that is a member of an enclosed community prior to processing the request to generate the electronic greeting card and associated monetary gift.

Because Van Dusen is offered for teaching the limitations of claims 65 and 76, Applicants' arguments with respect to Solokl are moot.

Claim Rejections - 35 USC § 112

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

17. Claim 81 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 81 recites "the deposit account" in line 7. The recitation of "the deposit account" is preceded by two separate deposit accounts; the deposit account associated with the donor, and the deposit account associated with the service provider. Thus, it is unclear whether "the deposit account" refers to the donor associated account or the service provider associated account. Appropriate correction is required.

Claim Rejections - 35 USC § 102

18. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

19. Claims 58, 63, 65-69, and 74-79 are rejected under 35 U.S.C. 102(e) as being anticipated by Van Dusen (US 6,175,823).

Regarding claims 58 and 63, Van Dusen teaches a method for making a monetary gift, comprising:

receiving, via a network, a request to send an electronic greeting card and to make an associated monetary gift in an amount, on behalf of a requesting donor to a designated recipient;

processing the received request to generate the electronic greeting card including a notification of the monetary gift;

transmitting, via the network, the generated electronic greeting card to the designated recipient; and

directing a crediting of funds equal to the monetary gift amount to a deposit account (see Abstract; col. 2, lines 58-64; col. 3, lines 37-67; col. 4, lines 33-54; and col. 5, lines 1-10).

Regarding claim 65, Van Dusen teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to the directing of the crediting of the funds to the deposit account associated with the designated recipient; and if it determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 6, lines 56-60).

Regarding claim 66, Van Dusen teaches wherein the request is received from an electronic greeting card service (Fig. 2; and col. 3, lines 37-63).

Regarding claim 67, Van Dusen teaches wherein the request is received by, the received request is processed by and the generated electronic greeting card is transmitted by an electronic greeting card service (Fig. 2; and col. 3, lines 37-63); and the crediting of funds is directed by a payment service provider (col. 3, lines 55-63).

Regarding claim 68, Van Dusen teaches transmitting, via the network, the generated electronic greeting card to an electronic greeting card service prior to transmitting the electronic greeting card to the designated recipient (col. 3, lines 37-63).

Claims 69 and 75-79 are rejected under Van Dusen as discussed under claims 58, 59 and 65-68 as claims and 75-79 are directed to a system for accomplishing the method of claims 58, 59 and 65-68.

Claim Rejections - 35 USC § 103

20. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

21. In the alternative, claims 58, 65, 67-69, and 75, 76, 79 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)).

Regarding claim 58, Van Dusen teaches a method for making a monetary gift, comprising:

receiving via a network, a request to make a monetary gift in an amount on behalf of a donor, to a recipient (col. 3, lines 38-63);

processing a notification of the monetary gift (col. 2, lines 55-67); and
directing a crediting of funds equal to the monetary gift amount to a deposit
account associated with the recipient (col. 2, lines 55-67; and col. 3, lines 6-14).

Assuming *arguendo* Van Dusen does not specifically teach the steps of receiving
via a network, a request to send an electronic greeting card, processing the received
request to generate the electronic greeting card and transmitting, via the network, the
generated electronic greeting card to the designated recipient, Lenhart overcomes this
deficiency. Lenhart teaches a Website operative to transmit an electronic greeting card
wherein a sender fills out a personalized message (page 1, paragraphs 2 and 3; and
page 3, paragraph 4). At the time of the applicant's invention, it would have been
obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings
of Lenhart because including the steps of receiving via a network, an input associated
with an electronic greeting card, processing the donor's request and input to generate
the electronic greeting card and transmitting, via the network, the electronic greeting
card to the recipient would enable the donor to provide the recipient with a personalized
greeting card along with the monetary gift.

Regarding claim 65, Van Dusen further teaches processing the received
information identifying the designated recipient to determine if the designated recipient
is a member of an enclosed community prior to the directing of the crediting of the funds
to the deposit account associated with the designated recipient; and if it determined that
the designated recipient is not a member of the enclosed community, transmitting a
notice, via the network, to the designated recipient, that the designated recipient must

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become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 6, lines 56-60).

Regarding claim 67, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Assuming Van Dusen does not teach wherein the request is received by, the received request is processed by and the generated electronic greeting card is transmitted by an electronic greeting card service, and the crediting of funds is directed by a payment service provider, Lenhart overcomes this deficiency by teaching receiving a request to process an electronic greeting card as noted under claim 58 above.

Regarding claim 68, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Assuming Van Dusen does not expressly teach transmitting, via the network, the generated electronic greeting card to an electronic greeting card service prior to transmitting the electronic greeting card to the designated recipient, Lenhart overcomes this deficiency by teaching a Website operative to transmit an electronic greeting card wherein a sender fills out a personalized message (page 1, paragraphs 2 and 3; and page 3, paragraph 4). At the time of the applicant's invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Lenhart because including the steps of receiving via a network, an input associated with an electronic greeting card, processing the donor's request and input to generate the electronic greeting card and transmitting, via the network, the electronic greeting card to the recipient would enable the donor to provide the recipient with a personalized greeting card along with the monetary gift.

Claims 69 and 74-76, 79 and 80 are rejected under Van Dusen in view of Lenhart as discussed under claims 58, 59 and 65-68 as claims 69 and 75, 76, 79 and 80 are directed to a system for accomplishing the method of claims 58, 59 and 65-68.

22. Claims 59-62, 64 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Albrecht (US Pat. No. 5,984,180).

Regarding claims 59 and 70, Van Dusen teaches all the limitations discussed under claims 58 and 69. Van Dusen does not expressly teach transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. However, Albrecht teaches a method and system for providing a gift card wherein a gift card balance is established by a donor prior to providing the gift card to the recipient. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include Albrecht's teaching of transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. This combination would ensure that the funds for the associated monetary gift are available prior to delivering an indication of the monetary gift to the recipient.

Regarding claim 60, Van Dusen and Lenhart teach all the limitations discussed under the 35 U.S.C. 102(e) rejection of claim 58. Van Dusen does not expressly teach a method of making a monetary gift wherein the deposit account is at a financial

institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Regarding claim 61, Van Dusen further teaches activating the hyperlink (col. 2, lines 55-67; and col. 3, lines 6-14); and receiving, via the activated hyperlink, information identifying the recipient (Id.); wherein the funds are directed to be credited to the deposit account subsequent to receipt of the information identifying the recipient; wherein the deposit account is associated with the designated recipient (Id.).

Regarding claim 62, Van Dusen further teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to directing of the crediting of the funds to the deposit account associated with the designated recipient (col. 3, lines 64-67; col. 4, lines 64-67; and col. 5, lines 1-10); and if it is determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 4, lines 64-67; and col. 5, lines 1-10).

Regarding claim 64, Van Dusen teaches all the limitations discussed under claim 58. Van Dusen further teaches debiting a payment account associated with the

requesting donor (col. 3, lines 55-63); wherein the payment account associated with the requesting donor is debited at one of (1) a time prior to transmitting the electronic greeting card to the recipient, and (2) a time subsequent to an activation of a hyper-link included in the transmitted electronic greeting card (Id.).

Van Dusen does not expressly teach debiting a payment account at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Claims 71-73 are rejected under Van Dusen and Albrecht as discussed under claims 60-62 as claims 71-73 pertain to a system for accomplishing the method of claims 60-62.

17. Claims 59-62, 64 and 70-73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and Albrecht (US Pat. No. 5,984,180).

Regarding claims 59 and 70, Van Dusen and Lenhart teach all the limitations discussed under claims 58 and 69. Van Dusen and Lenhart do not expressly teach transmitting the electronic greeting card at one of 1) a time subsequent to the directing

of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. However, Albrecht teaches a method and system for providing a gift card wherein a gift card balance is established by a donor prior to providing the gift card to the recipient. At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include Albrecht's teaching of transmitting the electronic greeting card at one of 1) a time subsequent to the directing of the crediting of funds to the deposit account, and 2) a time concurrent with the directing of funds to the deposit account. This combination would ensure that the funds for the associated monetary gift are available prior to delivering an indication of the monetary gift to the recipient.

Regarding claim 60, Van Dusen and Lenhart teach all the limitations discussed under the 35 U.S.C. 103(a) rejection of claim 58. Van Dusen further teaches a method for making a monetary gift wherein the notification includes a hyper-link (col. 2, lines 55-67; and col. 3, lines 6-14); and the funds are directed to be credited to the deposit account subsequent to an activation of the hyperlink (Id.). Assuming Van Dusen does not expressly teach an electronic greeting card that includes a hyperlink, Lenhart overcomes this deficiency as discussed under claim 58.

The combination of Van Dusen and Lenhart does not expressly teach a method of making a monetary gift wherein the deposit account is at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in

the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Regarding claim 61, Van Dusen further teaches activating the hyperlink (col. 2, lines 55-67; and col. 3, lines 6-14); and receiving, via the activated hyperlink, information identifying the recipient (Id.); wherein the funds are directed to be credited to the deposit account subsequent to receipt of the information identifying the recipient; wherein the deposit account is associated with the designated recipient (Id.).

Regarding claim 62, Van Dusen further teaches processing the received information identifying the designated recipient to determine if the designated recipient is a member of an enclosed community prior to directing of the crediting of the funds to the deposit account associated with the designated recipient (col. 3, lines 64-67; col. 4, lines 64-67; and col. 5, lines 1-10); and if it is determined that the designated recipient is not a member of the enclosed community, transmitting a notice, via the network, to the designated recipient, that the designated recipient must become a member of the enclosed community before the funds are directed to be credited to the deposit account associated with the designated recipient (col. 4, lines 64-67; and col. 5, lines 1-10).

Regarding claim 64, Van Dusen and Lenhart teach all the limitations discussed under claim 58. Van Dusen further teaches debiting a payment account associated with the requesting donor (col. 3, lines 55-63); wherein the payment account associated with the requesting donor is debited at one of (1) a time prior to transmitting the electronic

greeting card to the recipient, and (2) a time subsequent to an activation of a hyper-link included in the transmitted electronic greeting card (Id.).

The combination of Van Dusen and Lenhart does not expressly teach debiting a payment account at a financial institution. However, Albrecht teaches a method of making a monetary gift wherein a gift giver opens an gift account having an account balance at a financial institution (Abstract). At the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include the teachings of Albrecht. By including deposit account at a financial institution, the gift recipient would provided the opportunity to spend the gift funds at any merchant of his or her choice.

Claims 71-73 are rejected under Van Dusen, Lenhart and Albrecht as discussed under claims 60-62 as claims 71-73 pertain to a system for accomplishing the method of claims 60-62.

23. In the alternative, claims 66, 77 and 78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and Official Notice.

Van Dusen and Lenhart teach all the limitations discussed under claims 58, and 69. Assuming Van Dusen and Lenhart do not expressly teach receiving the request from an electronic greeting card service, the Examiner takes Official Notice that outsourcing a services is old and well known. Therefore, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van

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Dusen and Lenhart to include receiving the request from an electronic greeting card service. This combination would allow the greeting card service to outsource the card transmitting function thereby allowing the greeting card service to lower its operating costs.

22. Claim 81 is rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dusen (US 6,175,823) in view of Lenhart (Lenhart, J. "Happy Holidays,' High-Tech Style; Sending Cards Over the Internet Gains Popularity," The Washington Post (December 20, 1998)) and Official Notice.

Van Dusen and Lenhart teach all the limitations discussed under claim 58. Van Dusen further teaches wherein the request is received, the received request is processed, the generated electronic gift certificate is transmitted, and the crediting is directed by a service provider (col. 3, lines 37-63). Lenhart teaches transmitting an electronic gift card as noted under claim 58. Van Dusen further teaches directing a debiting of funds equal to the monetary gift amount from a deposit account at a financial institution associated with the requesting donor (col. 3, lines 55-63). Van Dusen and Lenhart do not expressly teach directing a debiting of funds equal to the monetary gift amount from a deposit account at a financial institution associated with the requesting donor to a deposit account at a financial institution associated with a service provider.

However, the Examiner takes Official Notice that providing merchant banking services in connection with an online service is old and well known in the art. Therefore, at the time of Applicants' invention, it would have been obvious to one of ordinary skill in the art, to modify Van Dusen and Lenhart to include directing a debiting of funds to a

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deposit account at a financial institution associated with a service provider in order to provide the greeting card service with a commercial banking account for the receipt of purchasing deposits. Indeed, Van Dusen suggests implementing this combination in that Lenhart discloses receiving credit card payments.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (703) 305-1912. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Tim Brown
Examiner
Art Unit 3625

TB
August 11, 2003


Jeffrey A. Smith
Primary Examiner